

07/15/2021

A regular meeting of the Keene City Council was held on Thursday, July 15, 2021. The Honorable Mayor George S. Hansel called the meeting to order at 7:00 PM. Councilor Remy stated his reason for participating remotely and stated that he was alone at his location. Roll called: Stephen L. Hooper, Michael J. Remy (via Zoom), Janis O. Manwaring, Michael Giacomo, Randy L. Filiault, Robert C. Williams, Philip M. Jones, Gladys Johnsen, Andrew M. Madison, Raleigh C. Ormerod, Bettina A. Chadbourne, Catherine I. Workman, Mitchell H. Greenwald, Kate M. Bosley, and Thomas F. Powers. Councilor Greenwald led the Pledge of Allegiance.

ANOUNCEMENTS

Mayor Hansel announced that this was the last regular Council meeting before their summer vacation. MSFI and FOP would still meet on July 21 and 22, respectively. All Standing Committee meetings scheduled for August 11 and 12 are canceled. The Council will return to its regular meeting schedule on August 19.

Mayor Hansel announced three workshops over the next several months. All workshops will start at 6:00 PM in Council Chambers.

- Tuesday, August 17 – Fiscal Policies
- Tuesday, August 24 – Council Meeting Process
- Tuesday, September 14 – Strategic Budgeting

MINUTES

A motion by Councilor Powers to accept the minutes of the July 1, 2021 meeting was duly seconded by Councilor Bosley and the motion passed on a roll call vote with 15 Councilors present and voting in favor.

MSFI REPORT – WARRANT FOR UNLICENSED DOGS – CITY CLERK'S OFFICE

A Municipal Services, Facilities, & Infrastructure Committee report read, recommending that the City Council issue a warrant for unlicensed dogs pursuant to NHRSA 466:14, that the Animal Control Officer be directed to issue a civil forfeiture to those dog owners who have failed to license their dog by April 30, 2021. A motion by Councilor Manwaring to carry out the intent of the report was duly seconded by Councilor Giacomo. The motion passed on a unanimous roll call vote with 15 Councilors present and voting.

MUNICIPAL POOL OPERATIONS FOR 2021 – PARKS, RECREATION, & FACILITIES DEPARTMENT

A Municipal Services, Facilities, & Infrastructure Committee report read, accepting the presentation on municipal pool operations for 2021 as informational. Before filing this report as informational, Mayor Hansel informed the Council that John Hayes attended the MSFI Committee meeting last week and spoke to his request regarding the Robin Hood Pool. Mr. Hayes had requested that his communication, which had been referred to City Staff at the July 1 Council meeting, be added to the official “public record” of the Committee meeting, which the City Clerk had done.

Discussion ensued. Councilor Greenwald had been contacted by many constituents and wanted to assure the public and Mr. Hayes that this is being taken seriously and all possible efforts are being made to open Robin Hood Pool next season and he requested patience. Councilor Jones reminded that in 2015 the Council voted unanimously to focus on programming on the east side of Keene. The Mayor reminded that there are some big projects upcoming on the east side over the next three years totaling \$3.2 million of infrastructure improvements; he recognized that aspects of the east side had been neglected over time, but said that everyone at the City had been working hard to compensate and address that concern. Mayor Hansel filed the report as informational.

PLD REPORT – KEVIN WATTERSON/KEENE SWAMP BATS – CHANGE IN DATE – REQUEST TO DISCHARGE FIREWORKS

A Planning, Licenses, & Development Committee report read recommending that the Keene Swamp Bats be granted permission for the discharge of display fireworks on Saturday, July 31, 2021 on Alumni Field at no later than 10:00 PM, subject to the signing of a revocable license and indemnification agreement and the submittal of a certificate of liability in the amount of one million dollars, listing the City of Keene as an additional insured; submittal of a signed letter of permission from SAU 29 for the use of their property and obtainment of a Class B fireworks permit. In addition, the petitioner agrees to comply with all recommendations of City staff. This permission is conditional upon the petitioner absorbing the charges for any City services over and above any amount of City funding allocated in the FY 22 Community Events budget. Such payment shall be made within 30 days of the date of invoicing. A motion by Councilor Bosley to carry out the intent of the report was duly seconded by Councilor Greenwald. The motion passed on a unanimous roll call vote with 15 Councilors present and voting.

PLD REPORT – DANYA LANDIS/MACHINA ARTS – REQUEST TO ERECT A PARKLET IN PUBLIC PARKING SPACES

A Planning, Licenses, & Development Committee report read, accepting this item as informational. Mayor Hansel filed the report as informational.

PLD REPORT – COUNCILOR GLADYS JOHNSEN – LEGISLATIVE AUTHORITY TO INSTALL PARKLETS IN PARKING SPACES

A Planning, Licenses, & Development Committee report read, recommending that Senator Kahn be approached about introducing legislation that would provide municipalities the legislative authority for allowing parklets in public parking spaces. A motion by Councilor Bosley to carry out the intent of the report was duly seconded by Councilor Greenwald.

Discussion ensued. Councilor Greenwald noted that he voted in opposition to this matter because he said the State has more pressing matters of concern. In addition, he warned of insufficient parking for tenants and employees downtown already and he imagined these parklets would worsen the situation. Finally, the Councilor noted a parking deck was funded a few years out in the Capital Improvement Program and that was more important. Councilor Jones agreed with Councilor Greenwald but added that this was just asking the State to redefine the authority for the use of roads and then the City would write its own ordinances, for which there is a template

already. This request for legislation does not mean there would automatically be parklets. Councilor Johnsen supported the Council showing due diligence if the City was going to pursue this matter, supported the motion, and cited a constituent who came forward concerned about parking. Councilor Bosley stated that the PLD Committee worked hard on an Ordinance related to parklets and this action was to gain information before faced with a decision the City might not have authority to make. She acknowledged Councilor Greenwald's disagreement and said she thought this was needed to make the best decisions for the City because the City learned of many new things that work during the emergency order. Councilor Bosley added that the PLD discussed limiting the number of licenses available based on parking and without this first step the City could not continue pursuing this effort.

Councilor Filiault agreed with Councilor Greenwald, stating that though well-intentioned, this would create a problem and set a precedent that all downtown businesses would want once seeing it allowed for one.

Councilor Ormerod was not excited about the Council using its energy for State legislative change on this issue following many roadblocks at the State level on things the City wants to do. He was more excited for City parking to be figured out and what he called the priority of planning, designing, and building parking structures and possibly changing hours, which is where he thought energy should be allocated before pursuing this interesting idea.

Councilor Williams disagreed with the notion that there is insufficient parking, stating that the wide, beautiful Main Street is full of cars, and he wonders if that is the best use of the downtown when merchants could be using those areas, which would draw pedestrians. He added that plenty of east side pedestrians use the downtown, and it should be for the people who live here, not the people who drive here.

Councilor Workman echoed Councilor Williams and she thought that parklets were a great idea, she liked the idea of reviewing parking garages and she thought this motion was only to bring the issue to the State level so that cities could have discretion on what they think is best for their residents. She added parklets would energize the downtown.

The motion passed on a roll call vote of 12-3. Councilors Greenwald, Ormerod, and Filiault voted in opposition.

FOP REPORT – ACCEPTANCE OF GRANT FOR LIBRARY – KEENE PUBLIC LIBRARY

A Finance, Organization, & Personnel Committee report read, recommending that the City Council authorize the City Manager to do all things necessary to accept a grant of \$5,260 from the New Hampshire State Library, Institute of Museum and Library Services, and the American Recover Plan Act Formulaic Sub-Grant Round 1 for the support of library services that meet the needs of the community. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 15 Councilors present and voting.

FOP REPORT – ACCEPTANCE OF DONATION – BENCH IN MEMORY OF RICHARD BERRY – PARKS, RECREATION AND FACILITIES DEPARTMENT

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to accept the donation of a bench from Christine Houston and that the bench be placed along the Cheshire Rail Trail near the Ammi Brown Trail. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper.

Discussion ensued. Councilor Giacomo stated his support and reminisced on his personal relationship with Mr. Berry. Councilor Jones wondered whether the Keene Spirit of Place program still existed to issue certificates when such donations occur and the City Manager stated that it does still exist but is not marketed and that donors like this one are recognized at City Council and in the case of benches, the Director of Parks, Recreation & Facilities who follows-up with the individual. Mayor Hansel echoed his support for this bench as Mr. Berry was a good friend of his and he looks forward to visiting the bench. The motion passed on a unanimous roll call vote with 15 Councilors present and voting.

FOP REPORT – FY 21 DOJ JUSTICE ASSISTANCE GRANT – POLICE DEPARTMENT

A Finance, Organization, & Personnel Committee report read, recommending that the City Manager be authorized to do all things necessary to co-apply with the County of Cheshire, and to accept the U.S. Department of Justice FY21 JAG in the amount allocated to the City of \$5,590. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 15 Councilors present and voting.

FOP REPORT – ACCEPTANCE OF FUNDS FROM THE NH COURT DIVISION NETWORK – YOUTH SERVICES

A Finance, Organization, & Personnel Committee report read recommending that the City Manager be authorized to do all things necessary to accept and administer funds provided by New Hampshire Juvenile Court Diversion Network for Youth Services programs. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 15 Councilors present and voting.

FOP REPORT – PUBLIC HEARING ON CHARTER AMENDMENT – REDISTRICTING OF WARD LINES – CITY CLERK'S OFFICE

A Finance, Organization, & Personnel Committee report read, recommending that a Public Hearing be set for August 19, 2021 on a charter amendment that would delete the ward lines descriptions from the City Charter, designate the City Council as the authority to redistrict ward lines to comply with Constitutional requirement to equalize populations, establish a process for any redistricting changes that would codify the ward descriptions in the City Code and provide that if a City Councilor's residence is impacted by any redistricting change that the Councilor would continue to serve until the end of the term for which they were elected. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. The motion passed on a unanimous roll call vote with 15 Councilors present and voting. Mayor Hansel scheduled the public hearing for August 19, 2021 at 7:00 PM.

FOP REPORT – COUNCILOR ANDREW MADISON – MANDATORY TRAINING FOR

A Finance, Organization, & Personnel Committee report read, recommending that the communication from Councilor Madison with regards to training on workplace harassment and professional ethics be referred to the City staff to be incorporated into the City Council orientation process for January 2022 and the issue regarding implicit bias training be referred to staff for further investigation. A motion by Councilor Powers to carry out the intent of the report was duly seconded by Councilor Hooper. Discussion ensued and Councilor Johnson stated appreciation for the language used in the motion. The motion passed on a unanimous roll call vote with 15 Councilors present and voting.

CITY MANAGER COMMENTS

The City Manager reported that *Movies Under the Stars*, brought to you by Keene Parks & Recreation and the Monadnock International Film Festival is underway at Fuller Park. The first showing was this July 15 and the next is scheduled for July 22 at dusk. Make sure to register at www.keenesummermovies.eventbrite.com. Additionally, the summer concert series held in Central Square on Wednesday evenings is also underway with bands playing between 7:00-8:30 PM.

The City Manager also announced that the Monadnock region received more than seven inches of rain since the beginning of July, which moved the area from drought conditions and has had a positive impact on groundwater and surface water levels. The weather conditions had impacted City construction projects. Residents should stay tuned the Public Works social media platforms for updates.

The City Manager explained that in June, the City was notified by our pavement markings contractor, Markings Inc. that due to the storms and flooding in Texas this past winter the raw materials required to make pavement marking paint became very limited. Markings Inc. notified the City that they did not have enough paint to fulfill our contract. They were able to complete some of the high priority area markings and as paint becomes available they will continue to do work in the community. This has impacted Keene in a variety of ways, but specifically the plan to experiment with fog lines on Eastern Ave has been delayed. The Public Works Department is working with its contractor to resume painting as soon as paint becomes available. There is a similar shortage in chlorine and chlorine products, which has been affecting residents who operate pools and spas who have probably seen significant price increases and limited supplies.

The Fire Department's order of New SCBA (58 Units) as arrived as part of the FEMA Grant and 10% City Funding. Training is in progress and the new units will be placed in service soon. The City Manager said she would be preparing for re-submission to FEMA for the remaining funds to approve the remaining equipment as a part of the project as well. This equipment includes 1-hour bottles and rapid intervention packs that are used to rescue down members and that supply emergency air.

The City Manager reported that Keene State College classes would begin on August 30. Students begin returning August 14, with new students arriving the August 25 and all upper class students here by August 29.

Finally, the City Manager noted that the Governor and Executive Council will meet on August 4. She said details had been changing. Today she heard from the Library Director that the actual public meeting would be held at the Colonial Theater's new building at 9:30 AM. City Councilors are all invited to attend.

MEMORANDUM – RESIGNATION – HERITAGE COMMISSION

A memorandum from Planner, Mari Brunner, read recommending that the City Council accept the communication from Tia Hockett, resigning from the Historic District Commission, with regret and appreciation of service. A motion by Councilor Powers to accept the resignation with regret and appreciation was duly seconded by Councilor Bosley. The motion passed on a unanimous roll call vote with 15 Councilors present and voting.

MORE TIME – PLD REPORT – KEENE ELM CITY ROTARY CLUB – USE OF CITY PROPERTY – CLARENCE DEMAR MARATHON

A Planning, Licenses, & Development Committee report read, recommending placement of this item on more time for further consideration by Staff. Mayor Hansel granted more time.

FOP REPORT – RELATING TO PARKING – ORDINANCE O-2021-09

A Finance, Organization, & Personnel Committee report read, recommending the adoption of Ordinance O-2021-09. A motion by Councilor Powers to adopt Ordinance O-2021-09 was duly seconded by Councilor Hooper and the motion passed unanimously on a roll call vote with 15 Councilors present and voting in favor.

FOP REPORT – RELATING TO WATER AND SEWER UTILITY CHARGES – ORDINANCE O-2021-10

A Finance, Organization, & Personnel Committee report read, recommending the adoption of Ordinance O-2021-10. A motion by Councilor Powers to adopt Ordinance O-2021-10 with an effective date of August for the water and sewer billing cycle was duly seconded by Councilor Hooper. Discussion ensued.

Councilor Remy said this matter had been on his mind for some time because while the variable rate changes are minimal, the fixed rate almost tripled for lower water usages and those residents could see increases over 20%, while higher water users would only see up to a 12% increase. Councilor Remy moved to amend the proposed rates to be a flat increase necessary to balance the respective budgets. He cited adjustments he thought were necessary to do so. Mayor Hansel said it would be challenging to amend without putting the numbers in the Ordinance because there are no calculations to reflect the Councilor's proposed changes. The Mayor suggested a motion to send this back to Committee to handle such details. Councilor Remy did not want to delay the matter, and declined the Mayor's suggestion to send back to Committee, and restated that he wanted to go forward with his motion to amend. Councilor Remy restated his motion that the rates established currently based on 2019 be increased by a flat percentage, which would balance the budget as needed. He wanted to keep the current rate structure. Mayor Hansel stated that the rate structure was adopted two meetings ago and therefore the time to revisit or bring forward amendments had

passed. Councilor Remy restated his position and Mayor Hansel said that if the Councilor wanted to pursue this further it should be sent back to Committee. Councilor Remy reiterated that doing so would miss the first billing and he did not want to do that. Therefore, Councilor Remy withdrew his motion despite his disappointment at what this meant for small residential users. Mayor Hansel wished the Councilor brought these concerns forward sooner, at a more appropriate time, as the Mayor had urged throughout this process to avoid such situations.

Councilor Chadbourne recalled the Director of Public Works presenting before the FOP Committee on the fire line rate amendment for which the Council supported Councilor Greenwald, which resulted in approximately \$300,000 moved into both fixed and volumetric charges to compensate for not increasing fire line rate. Councilor Chadbourne remarked that she was unsure the Council made the right decision or did its due diligence. Councilor Greenwald countered that the Council made the right and a fair decision, and that these matters are complex and the time for discussions had passed.

Mayor Hansel reiterated that these are complex issues and that his door is always open, and the City Manager is contacted easily as well. If someone wants to make such a complex amendment, it important to act earlier.

The motion passed unanimously on a roll call vote of 14-1. Councilor Remy voted in opposition.

IN APPRECIATION OF WILLIAM H. BYRNE UPON HIS RETIREMENT – RESOLUTION R-2021-33

A motion by Councilor Powers to adopt Resolution R-2021-33 was duly seconded by Councilor Bosley. The motion passed on a unanimous roll call vote with 15 Councilors present and voting.

IN APPRECIATION OF ERIC E. SWOPE UPON HIS RETIREMENT – RESOLUTION R-2021-34

A motion by Councilor Powers to adopt Resolution R-2021-34 was duly seconded by Councilor Bosley. Discussion ensued and Councilor Madison stated his privilege to have worked with and been mentored for many years by Mr. Swope. The motion passed on a unanimous roll call vote with 15 Councilors present and voting.

RELATING TO THE APPROPRIATION OF FUNDS FROM THE CAPITAL RESERVE – PUMP STATION MARTEL COURT (08022) FOR MARTEL COURT PUMPING STATION EMERGENCY GENERATOR REPLACEMENT PROJECT (08099-18) – RESOLUTION R-2021-35

Resolution R-2021-35 read first time by title only. Mayor Hansel referred Resolution R-2021-35 to the Finance, Organization, and Personnel Committee.


RELATING TO THE APPROPRIATION OF FUNDS FROM THE WATER FUND UNASSIGNED FUND BALANCE FOR WETMORE STREET/WINCHESTER STREET EMERGENCY MAIN REPAIR – RESOLUTION R-2021-36

07/15/2021

Resolution R-2021-36 read first time by title only. Mayor Hansel referred Resolution R-2021-36 to the Finance, Organization, and Personnel Committee.

ADJOURNMENT

There being no further business, Mayor Hansel adjourned the meeting at 8:08 PM.

A true record, attest: 
City Clerk